

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

(Write the District and Division, if any, of the
court in which the complaint is filed.)

17-3268-CV-S-BP-P

Michael D. Stacy

**Complaint for Violation of Civil
Rights**

(Prisoner Complaint)

Case No. 17-3254-CV-S-PA-R
(to be filled in by the Clerk's Office)

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

Taney county correctional facility
Jimmie Russell et al
~~[illegible]~~

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☒ Yes ☐ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Michael D. Stacy

All other names by which you have been known:

ID Number

Current Institution

Address

Taney county correctional Facility
Po Box 1005 Forsyth mo
65653

B. The Defendant(s)

- Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation.
- Make sure that the defendant(s) listed below are identical to those contained in the above caption.
- For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both.
- Attach additional pages if needed.

Defendant No. 1

Name

Taney county correctional Facility

Job or Title
(if known)

Shield Number

Employer

Address

Taney county
266 main St, Po Box 1005
Forsyth mo. 65653



Individual capacity



Official capacity

Defendant No. 2

Name

Jimmie Russell Et Al

Job or Title
(if known)

Sheriff

Shield Number

Employer

Taney county corrections Facility

Address

266 Main St P.O. Box 1065

Forsyth MO 65653



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):



Federal officials (a *Bivens* claim)



State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights.

What federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Right to access legal material law library
Right to due process, To be afforded a hearing and produce
Evidence for my defense as well as Appeal rights

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

It is the policy of this institution of Lenoir County to not allow me a hearing or the right to appeal the decision or sentence that is given for segregative confinement allowing the one officer to make the rules and the sentence time given, not allowing the chance to produce evidence to prove your innocence.

IV

I had made multiple requests to be allowed the right to access the law library and legal material to study my case because I'm pro se. I was told by several correctional officers George, Dave, Kim. That the Jail doesn't have a law library and to access one I had to ask the judge for legal material. So when I went to court and asked judge Tiffany Yarnell I was told she would look in to the request. The next court date 30 days later I was told by her that she had looked in to my inquiry and that there was no law library and that she didn't know what to tell me.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I've been kept in segregative confinement allowed only 1 hour out of my cell a day and have been here for 2 1/2 months and have several months by my self to go.

I also am pro se in my criminal case and I'm not being able to study my case to understand how to defend my self properly what motions to file or what to do about so true wife is resulting in a unjustified conviction because of a forced ignorance.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Ask the courts to have the facility provide what I need as material to study and defend my self to the best of my ability, up to date legal material as well as the means. Also to vacate my sentence imposed with out allowing me to process my rights. Punitive Damages of \$250,000 for pain and suffering and mental anguish.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒

Yes

☒

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Taney County Correctional Center

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒

Yes

☐

No

☐

Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐

Yes

☒

No

☐

Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒

Yes

☐

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

- ☐ Yes
☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

To the officers on shift But the grievance system isn't honored what so ever

2. What did you claim in your grievance? (Attach a copy of your grievance, if available)

Requested to use law library and Requested to have a hearing and produce Evidence to prove my innocence

3. What was the result, if any? (Attach a copy of any written response to your grievance, if available)

Neither one was grievable because it was policy and my grievance was thrown away like all of everyone elses

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Attempts were made but never a response and it was told that's just how our rules are. And that no matter how much it complains theres nothing it can do about it.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Several officials were informed verbally, David, Kim, Dave, Esly, Randy, Amy, Ect and it was only told good luck, its not gonna happen or change

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐
☒

Yes
No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- _____
- _____
- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes
☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____
Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes
☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes
☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____
Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes
☐ No *(If no, give the approximate date of disposition):*

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
-
-

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8-15, 2017


Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City State Zip Code


Michael Stacy

Taney county Jail P.O Box 1005
Forsyth mo 65653

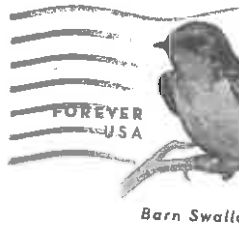
Michael Stacy
Tennet county Jail
Po Box 1005
Orrslyth mo
65653

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Clerks Office

United States District Court
400 East 9th Street Room 1310
Kansas City MO
64106



CORRESPONDENCE
FROM A
CORRECTIONAL FACILITY

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